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**OFFICE OF PETITIONS**

In re Application of  
Satoru Shibuya  
Application No. 09/998,468  
Filed: November 29, 2001  
Attorney Docket No. 41A 3159

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**ON PETITION**

This is a decision on the petition filed February 14, 2005, which is being treated as a petition under 37 CFR 1.313, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **DISMISSED**.

Petitioner requests that the application be withdrawn from issue or "deferred." The issue fee was paid in this application on February 15, 2005 (certificate of mailing February 10, 2005).

37 CFR 1.313(c) provides that:

Once the issue fee has been paid, the application will not be withdrawn from issue upon petition by the applicant for any reason except:

- (1) Unpatentability of one of more claims, which petition must be accompanied by an unequivocal statement that one or more claims are unpatentable, an amendment to such claim or claims, and an explanation as to how the amendment causes such claim or claims to be patentable;
- (2) Consideration of a submission pursuant to 37 CFR 1.114; or
- (3) Express abandonment of the application. Such express abandonment may be in favor of a continuing application.

See Changes to Application Examination and Provisional Application Practice, Interim Rule, 65 Fed. Reg. 14865, 14873 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47, 54 (Apr. 11, 2000).

37 CFR 1.313(c) clearly states that an application will not be withdrawn from issue on petition except for the reasons enumerated. The circumstances of the above-identified application do not fall within any of the exceptions.

Telephone inquiries related to this decision should be directed to the undersigned at (571) 272-3210.

The matter is being referred to the Office of Patent Publication.



Irvin Dingle  
Petitions Examiner  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy